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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,419	06/28/2000	Scott S. Firestone	CISCP155/1539	6069

22434 7590 08/08/2003

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 08/08/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/606,419

Applicant(s)

FIRESTONE, SCOTT S.

Examiner

Andy S. Rao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed with respect to claims 1-38 as submitted Paper 8 on 6/2/03 have been fully considered but they are not persuasive.
2. The Applicant presents two substantive arguments contending the Examiner's rejection of claims 1-38 under 35 U.S.C. 102(e) as being anticipated by Zhu (US Patent: 6,201,834), as was set forth in the Office Action of Paper 7 on 3/26/03. However, after a careful consideration of the arguments presented, the Examiner must respectfully disagree for the reasons that follow and maintain the grounds of rejection.
3. Firstly after summarizing the applied reference (Paper 8: page 1, lines 5-9; page 2, lines 8-13), the Applicant argue that Zhu fails to disclose "annotating the bitstream...specifying the network packet boundaries..." as in the claims (Paper 8: page 2, lines 14-26; page 3, lines 1-6). The Examiner respectfully disagrees. It is noted that disclosed packets in the RTP format (Zhu: column 4, lines 15-36) for transmission across a network (Zhu: column 2, lines 1-20). Accordingly, boundaries associated with the disclosed packets of Zhu would be network packet boundaries. Zhu discloses that the beginning of the bitstream information stream is associated with a double word boundary (Zhu: column 3, lines 30-35), and further discloses that the first structure of the first packet is co-located at the beginning of the bitstream (Zhu: column 4, lines 11-12). Accordingly, the bitstream boundary is also the packet boundary at the beginning of the bitstream. Thus, since the Compressed Size field of the information trailer is used to find the beginning of the bitstream, byte information annotated therein by the compression stage (Zhu: column 3, lines 20-33) would be specifying the packet boundary for the first structure of the first

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packet and thus read on the claim. Additionally, once the first packet boundary is known or specified, additional packet boundaries of the bitstream can be further derived using the Bit Offset Field to indicate the packet boundary of the first packet boundary after a PACKET_LOST entry has been received. Accordingly, the Examiner maintains that this feature has been met.

Lastly, the Applicant argues that Zhu fails to disclose "...rapidly divide...for real-time streaming..." as in the claims (Paper 8: page 2, lines 16-21; page 3, lines 7-19). The Examiner respectfully disagrees. It is noted by division occurs by bitstream fragmentation (Zhu: column 5, lines 1-15) in order to assemble packets, and the Examiner further notes that a bitstream can be fragmented into multiple concatenated packets (Zhu: column 6, lines 53-55), and that stream is fragmentation occurs "rapidly enough" to conform to the real time protocol for the H.263 video streams. Additionally, with the disclosed error correcting capabilities, the resumption of an interrupted stream would occur more rapidly than a conventionally encoded stream. Accordingly, the Examiner maintains that the limitation is met.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-308-6606 for regular communications and (703)-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-4700.

Andy S. Rao
Primary Examiner
Art Unit 2613

ANDY RAO
PRIMARY EXAMINER



asr
August 6, 2003